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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/512,963	02/25/2000	Delos C. Jensen	6647-3	7576

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EXAMINER

EDOUARD, PATRICK NESTOR

ART UNIT	PAPER NUMBER
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2654

DATE MAILED: 04/07/2004

14

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/512,963

Applicant(s)

JENSEN ET AL

Examiner

Patrick N. Edouard

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 January 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 and 20-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 and 20-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>11</u> . | 6) <input type="checkbox"/> Other: _____  |

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### DETAILED ACTION

1. This Office Action is in response to communication filed 1/20/04 (paper #13).

Claims 1-16 and 20-22 are pending.

#### ***Claim Rejections - 35 USC § 112***

2. Claims 1- 16 and 20-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 11, 12-14 and 15-17 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. The omitted steps are: creating a state vector for each concept...in each chain in the basis because the specification on lines 5-19 described the method steps of building the directed set.

As per claims 3, the limitation "each pair of concept" lacks clear antecedent basis.

As per claim 7, the limitation " the directed links: lacks clear antecedent basis.

As per claim 10, the limitations "directed links" on line 1 lacks clear antecedent basis.

Claims 2, 4-6, 8-9, 11 and 20-22 incorporate the problems of the independent claims by dependency.

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### ***Response to Arguments***

Applicant's arguments filed 1/20/04 have been fully considered but they are not persuasive because of the following reasons:

In response to Applicant's argument that the claimed invention uses a directed set but the reference uses a tree which is different than the directed set, the examiner cannot concur. In Fact, page 21, lines 11-12, the specification described: "as noted earlier, there can be more than one chain from the maximal element to a concept : the directed set does not have to be a tree". Given the broadest interpretation of the limitation, the directed set could a tree and the rejection of the claim is appropriate.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., in the directed set as shown in fig. 4, there are two different paths between "set" and "relation") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In response to Applicant's argument that Conklin does not teach establishing chains. The Examiner cannot concur. In fact, Conklin et al teach this feature at col. 7, lines 39-63 and col. 6, lines 52-64. Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

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Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references. The applicant argued that Conklin does not teach selecting claims to form a basis. In fact, Conklin et al teach at col. 4, the document theme vector which identifies themes for each individual document. Furthermore, Conklin et al teach in figure 6, a knowledge base that includes cross-references and links among categories and terms.

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371<sup>6</sup> of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined

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under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1- 5, 7, 11-16 and 20-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Conklin et al (6,363,378).

As per claims 1, 11, 12, 15, and 16, Conklin et al teach a method for building a directed set to allow a user of a computer system to find a context in which to answer a question, the method comprising (figures 3-6):

identifying a plurality of concepts to form a directed set, wherein one concept is a maximal element" (abstract a knowledge base which comprises a plurality of nodes depicting terminology concepts, col. 7, lines 39-50, his knowledge base, col. 12, lines 1-45);

"Establishing chains in the directed set from the maximal element to each concept" (col. 7, lines 39-63, col. 6, lines 52-64);

"Selecting one or more chains in the directed set as a basis" (figure 4, col. 7, line 62 to col. 9, lines 26).

"Measuring how closely each concept is represented in each chain in the basis" (col. 7, lines 8-21; col. 12, line 48 to col. 14, line 10),

As per claims 2, 3, 13 and 14 Conklin et al teach creating a state vector for each concept in the directed set...(col. 4, lines 39 to col. 5, line 15, his document theme vector 160).

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As per claims 4-5 and 7, Conklin et al teach introducing a new concept in the directed set (col. 12, line 19-44, col. 10, line 23 to col. 11, line 67).

Claims 20-22 are the same in scope and content as claims 1, 11, 12 and 15 and therefore are rejected under the same rationale.

As per claims 17-19, Conklin et al teach a method for a user of a computer system to find a context to aid in answering a question, the method comprising:

“Parsing the question into or more or more concepts” (fig. 1-2, his query processing 175);

“Measuring distances in a directed set between the one or more parsed concepts” (figure 2, his calculate conceptual proximity 252);

“Using the distances between the one or more parsed concepts to establish a context for the question” (his rank query feedback terms by conceptual proximity 262).

As per claims 18, Conklin et al teach establishing one or more chains... (figs. 3-5, col. 7, line 39- col. 123, line 45).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6 and 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Conklin et al (6,363,378).

It is noted that Conklin et al teach the claimed invention but does not explicitly teach discarding the chains in the basis, removing an existing chain from the maximal element to the first concept and establishing a new chain from the maximal element to the first concept. However, Conklin et al teach at col. 8, line 32 to col. 10, line 20, the selecting of focal categories (nodes) based on the weight of each node. Therefore, one of ordinary skill in the art at the time the invention made would have it obvious to recognize that the system of Conklin using the accumulated weight to select the focal categories would remove or discard any existing link (chain) from the focal category to any other node because it would provide a better calculation of the weight focal category that would enhance the question-answering system.

4. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231 or faxed to:

(703) 308-9051, (for formal communications intended for entry) Or:



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(703) 305-9508 (for informal or draft communications, please label "PROPOSED" or "DRAFT") Hand-delivered responses should be brought to Crystal Park 11, 2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrick N. Edouard whose telephone number is (703) 308-6725. The examiner can normally be reached on Tuesday-Friday from 07:30 a.m.- 6:00 p.m.

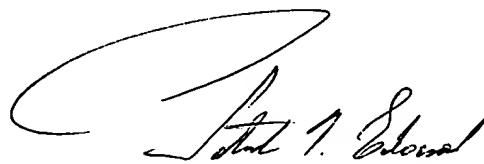
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached on (703) 305-9645

The facsimile phone number for this Art Unit is (703) 872-9314. Alternatively, facsimile messages may be sent directly to (703) 305-9644 where they will be stored in the examiner's voice mailbox (telling the examiner that a fax was received) and be automatically printed (i.e. - no delay by the examiner).

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Patrick N. Edouard

April 5, 2004



PATRICK N. EDOUARD  
PATENT EXAMINER